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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,794	03/13/2007	Herbert Brunner	12406-216US1 P2004,0241 U	2792
26161 7590 03/31/2011 FISH & RICHARDSON P.C. (BO) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER SANDVIK, BENJAMIN P	
			ART UNIT 2826	PAPER NUMBER
			NOTIFICATION DATE 03/31/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,794	<b>Applicant(s)</b> BRUNNER ET AL.	
	<b>Examiner</b> BENJAMIN P. SANDVIK	<b>Art Unit</b> 2826	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18,20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-18,20 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/28/10</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed 12/27/2011, with respect to the rejection(s) of claim(s) 1 and 22 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mazzochette, and Song (U.S. PG Pub 2002/0175621).

### ***Claim Objections***

Claim 16 is objected to because of the following informalities: claim 16 appears to be depending from claim 14, instead of the currently listed claim 15, because the claim refers to said adhesion promoting part. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-13, 15, 17, 18, 20, and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al (U.S. PG Pub #2002/0175621), in view of Mazzochette et al (U.S. PG Pub #2004/0222433).

With respect to **claims 1, 7, and 10**, Song teaches having a base part comprising a connector body (Fig. 3B, 31), on which a connecting conductor

material (Fig. 3B, 34 and Paragraph 51) is disposed, and having a top part comprising a top body (Fig. 3B, 37), on which a reflector material is disposed, wherein said top body comprises a ceramic (Paragraph 37), wherein said connector body and said top body are preformed separately from each other (Paragraph 50) and said top body is disposed on said connector body, but does not teach that the top body is a reflector body, wherein the reflector body is coated with the reflector material.

Mazzochette teaches an LED device having a connector body (Fig. 3, 11), and a top body (Fig. 3, 17) that comprises a ceramic and is coated with a metal reflector material (Paragraph 32), and provided with a recess as part of a chip cavity and the reflector material is disposed on the a wall of the recess. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the top ceramic body of Song with a metal reflector material as taught by Mazzochette in order to improve the light output and focus by reflecting light off the walls of the top body (Paragraph 32).

With respect to **claim 2**, Song teaches that the base part and said reflector part are preformed separately from each other (Paragraph 50).

With respect to **claim 4**, Song teaches that the housing body contains aluminum nitride or aluminum oxide (Paragraph 38).

With respect to **claims 5 and 8**, Song teaches that the connecting conductor material (Paragraph 51) is different from said reflector material (Paragraph 32 of Mazzochette).

With respect to **claim 6**, Song teaches that the connecting conductor material contains a metal (Paragraph 48).

With respect to **claim 9**, Song teaches that the housing body has a cavity in which said semiconductor chip is disposed.

With respect to **claim 11**, Song does not teach a reflector material that is electrically insulated from said connecting conductor material. Mazzochette teaches a reflecting material (Fig. 3, 30/31 and Paragraph 32), and a connecting conductor material (Fig. 1A, 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to electrically insulate the reflector material of Song and Mazzochette in order to avoid electrically shorting the connecting conductors 13.

With respect to **claim 12**, Song teaches that an insulation part (Fig. 3B, 32) is disposed between said base part (Fig. 3B, 31) and said reflector part (Fig. 3B, 37).

With respect to **claim 13**, Song teaches that said insulation part is preformed separately from said base part and said reflector part (Paragraph 49).

With respect to **claim 15**, Song teaches an envelope (Fig. 3B, 36) disposed in the cavity and at least partially envelops the chip.

With respect to **claims 17 and 18**, Song teaches that said base part includes a heat sink (Fig. 4B, 18b) and wherein the heat sink is electrically insulated from the chip.

With respect to **claim 20**, Song teaches that the insulation part comprises a ceramic (Paragraph 49).

With respect to **claim 22**, Song teaches having a base part comprising a connector body (Fig. 3B, 31), on which a connecting conductor material (Fig. 3B, 34) is disposed, and having a top part comprising a top body (Fig. 3B, 37), on which a reflector material is disposed, wherein said top body comprises a ceramic (Paragraph 37), wherein said connector body and said top body are preformed separately from each other (Paragraph 50) and said top body is disposed on said connector body; and the housing body contains aluminum nitride or aluminum oxide (Paragraph 38), but does not teach that the top body is a reflector body, wherein the reflector body is coated with the reflector material.

Mazzochette teaches an LED device having a connector body (Fig. 3, 11), and a top body (Fig. 3, 17) that comprises a ceramic and is coated with a metal reflector material (Paragraph 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the top ceramic body of Song with a metal reflector material as taught by Mazzochette in order to improve the light output and focus by reflecting light off the walls of the top body (Paragraph 32).

With respect to **claim 23**, Song teaches that the insulation part is adhesively attached to the base part and reflector part (in other words, the ceramic layers are adhered together).

With respect to **claim 24**, note that a "product by process" claim is directed to the product per se, no matter how actually made, *In re Hirao*, 190 USPQ 15 at 17 (footnote 3). See also *In re Brown*, 173 USPQ 685; *In re Luck*, 177 USPQ 523; *In re Wertheim*, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); *In re Fitzgerald*, 205 USPQ 594,596 (CCPA); *In re Marosi et al.*, 218 USPQ 289 (CAFC); and most recently, *In re Thorpe et al.*, 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear. As to the grounds of rejection under section 103, see MPEP § 2113.

With respect to **claim 25**, Song teaches having a base part comprising a connector body (Fig. 3B, 31), on which a connecting conductor material (Fig. 3B, 34) is disposed, and having a top part comprising a top body (Fig. 3B, 37), on which a reflector material is disposed, wherein said top body comprises a ceramic (Paragraph 37), and an insulation part disposed between said base part and said top part (Fig. 3B, 32), but does not teach that the top body is a reflector body, wherein the reflector body is coated with the reflector material.

Mazzochette teaches an LED device having a connector body (Fig. 3, 11), and a top body (Fig. 3, 17) that comprises a ceramic and is coated with a metal

Art Unit: 2826

reflector material (Paragraph 32), and provided with a recess as part of a chip cavity and the reflector material is disposed on the a wall of the recess. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the top ceramic body of Song with a metal reflector material as taught by Mazzochette in order to improve the light output and focus by reflecting light off the walls of the top body (Paragraph 32).

With respect to **claim 26**, Song teaches that said housing body has a cavity (Fig. 3B, cavity for sealing material 36) in which said semiconductor chip is disposed and wherein said reflector body is provided with a recess, said recess is part of the cavity of the housing body and said reflector material is disposed on a wall of said recess.

With respect to **claim 27**, Song does not teach a reflector material that is electrically insulated from said connecting conductor material. Mazzochette teaches a reflecting material (Fig. 3, 30/31 and Paragraph 32), and a connecting conductor material (Fig. 1A, 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to electrically insulate the reflector material of Song and Mazzochette in order to avoid electrically shorting the connecting conductors 13.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song and Mazzochette, in view of Loh (U.S. PG Pub #2004/0041222).



With respect to **claims 14 and 16**, Song and Mazzochette do not teach an adhesion promoting part disposed on said base part and provided with a recess that is part of the cavity of the housing body. Loh teaches a housing body having a reflector body (Fig. 3, 42) and an adhesion promoting part (Fig. 3, 44) disposed on the housing body, and wherein an envelope material is arranged at the adhesion promoting part and adheres better than to the reflector part. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adhesion promoting part on the housing body of Song and Mazzochette as taught by Loh in order to include a supporting portion for adhering a lens to the housing body (Paragraph 42).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN P. SANDVIK whose telephone number is (571)272-8446. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on 571-272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2826

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ben P Sandvik/  
Primary Examiner, Art Unit 2826